

California Regional Water Quality Control Board
Santa Ana Region

January 19, 2001

STAFF REPORT

ITEM: 15

SUBJECT: Cease and Desist Order No. 01-22 for San Timoteo Sanitary Landfill, San Bernardino County

DISCUSSION:

The County of San Bernardino (hereinafter County) owns and operates the San Timoteo Sanitary Landfill located in the City of Redlands. Norcal/San Bernardino, Inc. (hereinafter Norcal), conducts the day-to-day operations and maintenance of the Landfill for the County.

The County is currently operating the landfill under Waste Discharge Requirements (WDRs), Order No. 78-151, adopted by the Board on July 14, 1978, and amended by Order No. 98-99 on November 20, 1998.

On April 11, 2000, Board staff determined that the placement of the operations layer on the side slopes at Unit 2 was not in compliance with the approved design report and occurred without any formal third party CQA. This is a violation of WDRs for the Landfill.

This order requires the County to cease all disposal activities within Unit 2 at San Timoteo Landfill, and to perform corrective actions by February 20, 2001 to eliminate violations of WDRs.

RECOMMENDATION:

Adopt Cease and Desist Order No. 01-22 as presented.

California Regional Water Quality Control Board
Santa Ana Region

Cease and Desist Order No. 01-22, for the County of
San Bernardino Waste System Division
for

Violations and Threatened Violations of Waste Discharge Requirements Order
No. 78-151, as Amended by Order No. 98-99

The California Regional Water Quality Control Board (RWQCB), Santa Ana Region (hereinafter Board), finds that:

1. The County of San Bernardino (hereinafter County) owns, operates, and maintains the San Timoteo Landfill. Norcal/San Bernardino, Inc. (hereinafter Norcal), conducts the day-to-day operation and maintenance of the San Timoteo Landfill for the County Waste System Division (WSD) under a contractual agreement. This landfill is located in a portion of Sections 8 and 9, T2S, R3W, SBB&M, within the City of Redlands.
2. Landfill operations at San Timoteo Landfill are currently regulated by Waste Discharge Requirements, Order No. 78-151, adopted by the Board on July 14, 1978, and amended by Order No. 98-99 on November 20, 1998.
3. Regulatory requirements for municipal solid waste (MSW) landfills are contained in California Code of Regulations, Title 27, Division 2 (Title 27).
4. Provision C.2 of Order No. 98-99 stipulates that "Discharge of waste to MSW landfills that have not received waste as of October 9, 1993 or to any area beyond the Existing Footprint of the unit is prohibited unless such discharge is to an area equipped with a containment system. The containment system shall be constructed in accordance with the industry standards and the additional requirements of Resolution 93-62, Section III and Title 27, §20330 and §20340."
5. Title 27, §20323 states: "After July 18, 1997, the RWQCB shall require construction for all liner systems and final cover systems to be carried out in accordance with a CQA plan certified by an appropriately registered professional to satisfy the requirements of §20324. If the RWQCB finds that any construction of the liner system or final cover system was undertaken in the absence of a CQA plan that satisfies the requirements of §20324, the RWQCB shall require the discharger to undertake any corrective construction needed to achieve such compliance."
6. Title 27, §20324(a) states: "Performance Standards - The construction quality assurance (CQA) program, including all relevant aspects of construction quality control (CQC), shall provide evidence that materials and procedures utilized in the placement of any containment feature at a waste management unit (Unit) will be tested and monitored to assure the structure is constructed in accordance with the design specifications approved by the RWQCB."
7. On October 7, 1996, WSD submitted a two-volume report entitled "Design Report, Base Liner System, Cell 2 [Unit 2], Phase 1 and 2, San Timoteo Landfill" (design report). This

design report described the proposed liner design for a new disposal cell at the landfill, and contained the CQA plan. On May 19, 1997, Regional Board staff approved this design report and the corresponding CQA plan.

8. Volume I, Page 3-2, and Volume II, page 5-4 of the design report indicate that 100 percent of the soil used for the first foot of the Unit 2 side slope operations layer must pass a 3/8" sieve. This is also indicated on Page 02200-7 of the Specifications and Contract Documents. The remaining foot of the operations layer soil must pass a 3-inch screen.
9. After the completion of Phase I liner installation at Unit 2, the County requested approval to start placing waste within the Phase I area. Board staff approved this request on April 28, 1999. The approval was based on a limited CQA report submitted on May 20, 1998, for a portion of the Unit 2 liner installation, and the Board staff's understanding that the CQA oversight by the CQA officer would continue until the whole Unit 2 liner installation project was complete.
10. On March 16, 2000, Board staff, accompanied by Norcal staff, conducted an inspection of the San Timoteo Sanitary Landfill. During the inspection, Board staff noted numerous large, angular rocks within the operations layer on Unit 2's side slope that exceeded the maximum allowable size specification. The presence of large rocks indicated that approved CQA procedures for screening and placement of the operations layer had not been followed. Because the operations layer is in direct contact with the Unit 2's side slope geosynthetic liner, large rocks have the potential to puncture the underlying liner, threatening the integrity of the landfill's containment system. Norcal staff indicated that they followed their own protocol for screening and placement of the operations layer instead of the approved CQA procedures. In order to assess Norcal's protocol and compare it to the approved CQA plan procedures, the County and Norcal were asked to provide a demonstration of this protocol.
11. On April 11, 2000, Board staff met with staff from the County and Norcal to observe a demonstration of Norcal's protocol for screening and placement of the operations layer on Unit 2's side slopes. This process consisted of transporting the onsite stockpiled soil to the toe of the side slope, spreading it in a 12-inch thick layer, and raking the soil by hand to remove large rocks. This step was repeated until an adequate amount of soil was prepared. This soil was then pushed up the slope by a bulldozer, where it was raked by hand a final time. Board staff determined that this process did not produce material of a quality needed for the operations layer, which should use mechanically screened soils as required by the approved CQA plan.
12. During the April 11, 2000 meeting, Board staff also discovered that the placement of the operations layer on the side slopes at Unit 2 occurred without any formal oversight by the CQA officer, as required by the approved CQA plan.
13. On April 11, 2000, Board staff notified the County that failure to adhere to the construction specifications in the approved design report and to implement proper CQA during side slope construction, as required by the approved CQA plan, were violations of Order No. 98-99 and Title 27 requirements. Board staff requested that the County submit a report outlining the areas of the Unit 2 side slope that were constructed without adherence to the protocols set forth in the approved design report and CQA plan.

14. On June 8, 2000, the County submitted a report entitled "Assessment of Performance of Side Slope Liner System, San Timoteo Sanitary Landfill." This report was prepared by Emcon, who was retained to perform all CQA activities for construction of Unit 2's liner system, including the side slope operations layer. Emcon reported that they had performed the CQA activities on Unit 2's bottom liner operations layer, which was built by R. J. Gordon, Inc., the construction contractor. However, they believed that their services were not required for installation of the operations layer on the side slopes, which would be constructed by Norcal without any third party CQA.
15. In an August 2, 2000 letter, Board staff notified the County that because proper CQA was not implemented for construction of the operations layer on the Unit 2 side slopes, and in accordance with Title 27 §20323 and §20324, Board staff were unable to certify the Unit 2 side slope liner system at San Timoteo Sanitary Landfill. Therefore, the letter directed that all disposal activities overlying the Unit 2 side slopes must cease immediately.
16. By failing to construct the Unit 2 side slope liner system in accordance with the approved design report and without proper CQA, as required by the approved CQA plan, the County violated Order No. 98-99 as well as the requirements of Title 27. Furthermore, placement of wastes within Unit 2, which does not comply with the approved construction plans and design report, is a violation of Order No. 98-99 and Title 27. Therefore, the County is in violation and threatened violation of Order No. 98-99 and Title 27.
17. On September 6, 2000, Board staff requested that the County submit a workplan for remediation of the Unit 2 side slope operations layer. The County submitted the requested workplan on November 2, 2000, and it was approved by Board staff on January 4, 2001.
18. The Board has notified the County and other interested parties of its intent to adopt this Cease and Desist Order.
19. The Board, at a public hearing held on January 19, 2001, considered all relevant information pertaining to this order.
20. This enforcement action is being taken for the protection of the environment and, as such, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) in accordance with Section 15321, Article 19, Division 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED that, in accordance with Section 13301 of the California Water Code:

1. Forthwith, the County shall cease and desist violations and threatened violations of waste discharge requirements, Order No. 98-99, and Title 27 by:
 - a. Immediately ceasing all discharges of wastes to Unit 2 at San Timoteo Landfill.
 - b. Removing all wastes that are present on the side slopes of Unit 2.

- c. Removing the operations layer placed on the side slopes at Unit 2.
 - d. Inspecting and certifying the integrity of the geomembrane liner on the side slopes of Unit 2. The inspection and certification shall be performed by a third party CQA company qualified to perform these tasks.
 - e. Reconstructing the operations layer on Unit 2 side slopes in compliance with the design specifications outlined in the approved design report and properly performing the CQA activities in accordance with the approved CQA plan.
2. The County shall perform all corrective actions by February 20, 2001, in accordance with the approved November 2, 2000 remedial workplan. A CQA report shall be submitted by February 28, 2001 describing all corrective action activities at this unit. If, in the opinion of the Executive Officer, the County fails to comply with any part of this order, the Executive Officer is directed to issue a complaint assessing administrative civil liability or to request that the Attorney General take judicial enforcement action against the County of San Bernardino, including an injunction and civil monetary remedies, if appropriate, pursuant to Sections 13308 and 13331 of the California Water Code.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on January 19, 2001.

Gerard J. Thibeault
Executive Officer